

2013 No. 1488

ACQUISITION OF LAND, ENGLAND

COMMONS, ENGLAND

ELECTRICITY

HIGHWAYS, ENGLAND

SPECIAL PARLIAMENTARY PROCEDURE

**TOWN AND COUNTRY PLANNING, ENGLAND AND
WALES**

The Growth and Infrastructure Act 2013 (Commencement No. 2
and Transitional and Saving Provisions) Order 2013

Made - - - -

18th June 2013

The Secretary of State, in exercise of the powers conferred by sections 35(1) and (6) of the Growth and Infrastructure Act 2013(a), makes the following Order:

Citation and interpretation

1.—(1) This Order may be cited as the Growth and Infrastructure Act 2013 (Commencement No. 2 and Transitional and Saving Provisions) Order 2013.

(2) In this Order—

“the 1964 Act” means the Harbours Act 1964(b);

“the 1981 Act” means the Acquisition of Land Act 1981(c);

“the 1992 Act” means the Transport and Works Act 1992(d);

“the Act” means the Growth and Infrastructure Act 2013; and

“the New Towns Act” means the New Towns Act 1981(e).

(a) 2013 c. 27.
(b) 1964 c. 40.
(c) 1981 c. 67
(d) 1992 c. 42.
(e) 1981 c. 64.

Provision coming into force on the day after the day on which this Order is made for limited purposes

2. Section 20 (variation of consents under Electricity Act 1989) of the Act, for the purpose of enabling the Secretary of State or the Scottish Ministers to make regulations, comes into force on the day after the day on which this Order is made.

Provisions coming into force on 25th June 2013

3. Subject to article 8, the following provisions of the Act come into force on 25th June 2013—
- (a) section 2(7) (planning proceedings: costs etc);
 - (b) section 3 (compulsory purchase inquiries: costs);
 - (c) section 6 (limits on power to require information with planning applications);
 - (d) section 10 and Schedule 3 (periodic review of mineral planning permissions); and
 - (e) section 25(1) to (6) and (10) so far as it is not already in force and section 25(7) to (9) (modification of special parliamentary procedure in certain cases).

Provisions coming into force on 25th June 2013 for limited purposes

4. The following provisions of the Act come into force on 25th June 2013 for the purpose of making regulations—
- (a) section 13 (declarations negating intention to dedicate land as highway); and
 - (b) section 15 (registration of town or village green: statement by owner).

Provisions coming into force on 31st July 2013

5. The following provisions of the Act come into force on 31st July 2013—
- (a) section 20 (variation of consents under Electricity Act 1989), in relation to England and Wales so far as it is not already in force; and
 - (b) section 21(1) to (3) (consents under Electricity Act 1989: deemed planning permission).

Provisions coming into force on 1st October 2013

6. Subject to article 8, section 14 (registration of town or village green: reduction of section 15(3)(c) period) of the Act comes into force on 1st October 2013.

Provision coming into force on 1st December 2013

7. Section 20 (variation of consents under Electricity Act 1989), in relation to Scotland so far as it is not already in force, comes into force on 1st December 2013.

Transitional and saving provisions

- 8.—(1) The amendments made to the 1981 Act by section 3 of the Act shall not apply in respect of—
- (a) a compulsory purchase order subject to section 2(2) of the 1981 Act made before 25th June 2013; and
 - (b) a draft compulsory purchase order subject to section 2(3) of the 1981 Act in respect of which a notice has been published in accordance with paragraph 2(a) of Schedule 1 to the 1981 Act before 25th June 2013.

(a) Paragraph 2 was amended by section 101 of the Planning and Compulsory Purchase Act 2004 (c. 5).

(2) The coming into force of section 14 of the Act so far as it applies to land in England, has no effect in relation to any cessation referred to in section 15(3)(b) of the Commons Act 2006(a) which occurs before 1st October 2013.

(3) The amendments made by section 25 of the Act shall not apply in respect of—

- (a) a compulsory purchase order subject to section 2(2) of the 1981 Act made before 25th June 2013;
- (b) a draft compulsory purchase order subject to section 2(3) of the 1981 Act in respect of which a notice has been published in accordance with paragraph 2 of Schedule 1 to the 1981 Act before 25th June 2013;
- (c) an application for an order authorising compulsory purchase of land which would be subject to special parliamentary procedure by virtue of the application of section 17, 18 or 19 of, or paragraph 4, 5 or 6 of Schedule 3 to, the 1981 Act made before 25th June 2013;
- (d) an application for a harbour revision order under section 14(2)(b) of the 1964 Act or a harbour empowerment order under section 16(1) of the 1964 Act made to the Secretary of State before 25th June 2013;
- (e) a draft harbour revision order in respect of which a notice has been published by the Secretary of State under paragraph 26(1) of Schedule 3 to the 1964 Act before 25th June 2013;
- (f) an order under section 10(1) or 11(1) of the New Towns Act authorising the acquisition of land made before 25th June 2013;
- (g) a draft order under section 11(2) of the New Towns Act authorising the acquisition of land published in draft in accordance with paragraph 10 of Schedule 4 to the New Towns Act before 25th June 2013;
- (h) an application for an order under section 1 or 3 of the 1992 Act made to the Secretary of State under section 6 of the 1992 Act before 25th June 2013; and
- (i) a draft order under section 1 or 3 of the 1992 Act in respect of which a notice has been published in accordance with section 7(3)(c) of the 1992 Act before 25th June 2013.

Signed by authority of the Secretary of State for Communities and Local Government

Nick Boles

Parliamentary Under Secretary of State

Department for Communities and Local Government

18th June 2013

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force on the day after the day on which this Order is made section 20 of the Growth and Infrastructure Act 2013 (“the Act”) for the purposes of enabling the Secretary of State or Scottish Ministers to make regulations about the procedure for varying consent in respect of electricity generating stations which have been granted under section 36 of the Electricity Act 1989 Act (“the 1989 Act”) under section 36C of the 1989 Act (inserted by section 20(2) of the Act).

The Order brings into force on 25th June 2013 the following provisions of the Act:

- (a) section 2(7), which amends the power of the Secretary of State under Schedule 6 to the Town and Country Planning Act 1990 (c. 8) (“the 1990 Act”) to appoint persons to determine planning appeals and matters connected with planning appeals. This is the power under which Inspectors are appointed. The effect of this amendment is that

(a) 2006 c. 26.

(b) Section 14(2) was amended by section 63 of, and paragraph 1 of Schedule 3 to, the 1992 Act.

(c) Section 7(3) was amended by regulation 2 of S.I. 2006/958.

connected matters, such as costs, can be dealt with directly by the Secretary of State rather than by an Inspector;

- (b) section 3, which broadens the Secretary of State's power to award costs between the parties at compulsory purchase order inquiries;
- (c) section 6, which inserts a new provision into section 62 of the 1990 Act which requires local planning authorities to have regard to a new test when requiring information in respect of an application for planning permission;
- (d) section 10 and Schedule 3, which change the current regime of periodic reviews of mineral planning permissions under Schedule 14 to the Environment Act 1995 (c. 25) to give mineral planning authorities in England greater local discretion as to whether to cause a review to be carried out and to set a review date; and
- (e) section 25(1) to (6) and (10) so far as it is not already in force and section 25(7) to (9), which modify the Statutory Orders (Special Procedure) Act 1945 (c. 18) to ensure that certain orders which are subject to special parliamentary procedure because they authorise compulsory acquisition of land falling into a special category will be subject to this procedure only to the extent that they authorise acquisition of that type of land.

The Order also brings into force on 25th June 2013 the following provisions of the Act for the limited purpose of making regulations:

- (a) section 13, which makes provision about statements and maps deposited and declarations lodged under section 31(6) of the Highways Act 1980 (c. 66) in order to negative an intention to dedicate way as highway; and
- (b) section 15, which inserts new sections 15A and B into the Commons Act 2006 (c. 26) ("the 2006 Act") to provide for a landowner in England to deposit a statement and map for the purpose of bringing to an end any recreational use as of right on the land to which the statement relates.

The Order brings into force on 31st July 2013 the following provisions of the Act:

- (a) section 20 in relation to England and Wales, so far as not already in force, enabling applications to vary consents in respect of electricity generating stations which have been granted under section 36 of the 1989 Act to be made from that date; and
- (b) section 21(1) to (3), which amends the provision made in section 90 of the 1990 Act about directions that planning permission be deemed to be granted that may be given by the Secretary of State when a consent under section 36 of the 1989 Act (or a consent under section 37 of the 1989 Act in respect of an overhead electric line) is granted and makes further provision about such directions where such consents are varied.

The Order also brings into force on 1st October 2013 section 14 of the Act, which reduces the period of grace in section 15(3)(c) of the 2006 Act for making an application to register land in England as a town or village green where recreational use of the land as of right has ceased, from 2 years to 1 year.

The Order brings into force on 1st December 2013 section 20 of the Act in Scotland, so far as not already in force, enabling applications to vary consents under section 36 of the 1989 Act which relate to electricity generating stations in Scotland to be made from that date.

In addition to making amendments to the Highways Act 1980 and the 2006 Act in relation to land in England, sections 13 and 14 of the Act contain a restatement of the law as it currently applies in relation to land in Wales.

The Order also contains transitional and savings provisions.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Growth and Infrastructure Act 2013 have been or will be brought into force by commencement orders made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 1 and Schedule 1 partially	9th May 2013	2013/1124
Section 8	25th June 2013	2013/1124
Section 22	25th June 2013	2013/1124
Section 23	25th June 2013	2013/1124
Section 24	25th June 2013	2013/1124
Section 25(1) to (6) and (10) partially	25th June 2013	2013/1124

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